

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 13935US02)

*In the Application of:*  
Jonathan Lee et al.

*U.S. Patent: 7,865,744*

*Issue Date: January 4, 2011*

*Serial No.: 10/629,207*

*Filed: July 29, 2003*

**For: SYSTEM AND METHOD FOR  
OPTIMIZING POWER CONSUMPTION  
IN A MOBILE ENVIRONMENT**

**Examiner: Fahmida Rahman**

**Group Art Unit: 2116**

**Confirmation No.: 5674**

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Transmitted via the Office electronic filing  
system **March 3, 2011.**

**APPLICATION FOR RECONSIDERATION OF THE  
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)  
INDICATED IN THE PATENT (37 CFR § 1.705(d))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

The Applicant respectfully requests reconsideration of the patent term adjustment indicated on the cover page of the patent ("the patent PTA decision"), to the extent indicated in the following discussion and the enclosed modified version of the current USPTO Patent Term Adjustment calculation on PAIR ("The Spreadsheet"). The spreadsheet and the total PTAs indicated in this paper also reflect aspects of the current USPTO Patent Term Adjustment calculation on PAIR that have already been the subject of an earlier request for recalculation under 37 CFR § 1.705(b).

This application for reconsideration of the patent PTA decision is being filed within two months after the patent issue date.

This application for reconsideration of the patent PTA decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the patent PTA decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items that arose after allowance.

The Applicant's calculation shows that the correct patent term adjustment, accounting for previously disputed and presently disputed items, should be 336 days.

The basis under § 1.702 and 37 CFR § 1.705(d) for the adjustment is as follows.

### **Positive Patent Term Adjustment**

#### **Three Year Guarantee (35 USC § 154(b)(1)(B))**

The following calculation of the patent term adjustment under the three year guarantee (35 USC § 154(b)(1)(B)), first presented after the issue date of the patent, is timely because:

The USPTO does not calculate and inform the Applicant of the patent term adjustment based upon the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) in the notice of allowance because the USPTO must know the date the patent will issue to be able to calculate the patent term adjustment based upon this provision. Thus, reconsideration of the patent term adjustment indicated in the patent as it relates to the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) is not considered a matter that could have been raised in an application for patent term adjustment under 37 CFR 1.705(b) (provides for reconsideration of the patent term adjustment indicated in the notice of allowance). Therefore, a request for reconsideration of the patent term adjustment calculation based on the three-year pendency provision of 35 U.S.C. § 154(b)(1)(B) will be considered timely under 37 CFR 1.705(d) if filed within two months of the date the patent issued.

1347 OG 49 (*Notice Concerning Calculation of the Patent Term Adjustment under 35 U.S.C. § 154(b)(1)(B) involving International Applications Entering the National Stage Pursuant to 35 U.S.C. § 371*), October 6, 2009.

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 165 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 166 days, minus 0 days consumed by an appeal, for a net adjustment of 166 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was July 29, 2003,
- the third anniversary of the actual filing date was July 29, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on January 11, 2007,
- the first RCE was filed 166 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

The USPTO has established a rule respecting the endpoint of the delay under the three-year rule resulting from the filing of a request for continued examination ("RCE"): 37 CFR § 1.703(b), which states:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:

(1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

In short, the USPTO's position on this point is effectively that the patent term adjustment under the Three Year Guarantee (35 USC § 154(b)(1)(B)) ends on the day before the first RCE is filed. The rationale is that the day the RCE is filed is Day 1 that the patent term adjustment has stopped accumulating.

The Applicant respectfully submits that this position is inconsistent with the statute and other USPTO calculations based on events that interrupt the accumulation of patent term adjustments.

First addressing consistency with the statute, the USPTO has determined that time for purposes of assessing a PTA is calculated in two ways: one way when the statute calls for calculation of a delay or interval between two events, and the other way when the statute calls for calculation of the number of days on which a proceeding is pending. This differentiation between the two calculations is understood to turn on the words of the statute. The only part of the statute that calls for a determination of the number of days on which a proceeding is pending is 35 USC § 154(b)(1)(C), which states:

**35 USC § 154(b)(1)(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS.-** Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to-

- (i) a proceeding under section 135(a);
- (ii) the imposition of an order under section 181; or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

To provide a simple example, if an appeal were filed on Monday and decided on Friday, the appellate review was pending on Monday, Tuesday, Wednesday, Thursday, and Friday, thus on five days.

In contrast, the part of the statute relevant to an RCE capping the accrual of a PTA under the three year guarantee is 35 USC § 154(b)(1)(B), which states:

**35 USC § 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY.-** Subject to the limitations under paragraph (2), if the issue of an original patent is delayed

due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including-

(i) any time consumed by continued examination of the application requested by the Applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the Applicant except as permitted by paragraph (3)(C),

the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

Reverting again to the above simple example, if an appeal were filed on Monday and decided on Friday, the "time consumed by appellate review" is calculated by setting Monday equal to Day 0, Tuesday equal to Day 1, Wednesday equal to Day 2, Thursday equal to Day 3, and Friday equal 4, thus an elapsed time of FOUR, days, not FIVE as in the preceding example that called for calculation of the number of days a proceeding was pending. In other words, "time consumed by appellate review" calls for the almost universal system for calculation of deadlines in courts and the USPTO, where the starting event from which the deadline is calculated is Day 0, and the succeeding days are assigned consecutive numbers until the day the deadline is reached.

The "time consumed by continued examination," like the "time consumed by [an appeal, an interference, or a secrecy order]," all under 35 USC § 154(b)(1)(B), is expressed in different words than "each day of the pendency of the proceeding order, or review," all under the provisions of 35 USC § 154(b)(1)(C), thus these two expressions in different parts of the same statutory section can be assumed to have different meanings as explained above.

In most situations, this is how the USPTO interprets the statute. For example, again based on USPTO petition practice experienced by the Applicant,

when an appeal is prosecuted in an application that was pending more than three years, the USPTO subtracts appeal time from accrual of time under the three year guarantee by treating the date the Notice of Appeal is filed as Day 0, the date n days later when the appeal decision is mailed as Day n, simply determines that the appeal has been pending for n days, and subtracts n from the accrued time under the 3-year rule. To calculate the PTA accrued due to the prosecution of a successful appeal, however, the USPTO treats the starting date as Day 1, the date n days later when the appeal decision is mailed as Day n + 1, and determines that there were n+1 days on which the appeal was pending, and that is the PTA for appeal delay.

Now addressing consistency with other calculations, the subtraction from the three-year guarantee for an RCE is based on 35 USC § 154(b)(1)(B)(i), which calls for a subtraction based on "(i) any time consumed by continued examination of the application requested by the Applicant under section 132(b)." The subtraction from the three-year guarantee for an appeal is based on parallel language of 35 USC § 154(b)(1)(B)(ii), which calls for a subtraction based on "(ii) ... any time consumed by appellate review by the Board of Patent Appeals and Interferences." This parallel language calls for RCE subtraction and appeal subtraction to be based on the same method of time computation. But they are not.

As pointed out above, the filing date of an RCE is counted as Day 1 of reduction of PTA, so time stops accruing on the three-year guarantee the day before the RCE is filed. But the filing date of a Notice of Appeal is counted as Day 0 of reduction of PTA, so time stops accruing on the three-year guarantee the day the Notice of Appeal is filed. These positions are inconsistent interpretations of the same statutory language. The RCE computation is in error because the statute calls for routine computation of time in both situations, with the starting day of a period counted as Day 0, while the USPTO position is that the day the RCE is filed is Day 1.

Another example of an inconsistency resulting from ending the three-year delay the day before the first RCE was filed is the following. The patent term

adjustment under the Three Year Guarantee permanently stops accruing or is "capped" in two situations: when the patent issues or when the first RCE is filed. Based on experience with other patent term adjustment calculations, the Applicant understands the USPTO policy respecting issue of the patent is that the issue date of the patent is Day 0 that the patent term adjustment stops accruing. In other words, the PTA on this ground is capped on the day the patent issues, not the day before the patent issues. Exactly analogously to the issue date of the patent, the date an RCE is filed is a triggering event that caps the PTA. No reason is apparent why the issue date of a patent is Day 0 on which the PTA has been capped and the filing date of an RCE is day 1 after the PTA has been capped.

For these reasons, the USPTO policy for calculation of the effect of filing an RCE on accrual of the three-year guarantee is in error, and provides a PTA one day shorter than it should be. Correction is respectfully requested.

## **Reductions in Patent Term Adjustment**

### **Alleged Submission of a Delaying Paper After Allowance 37 CFR § 1.704(c)(10)**

The applicant is contesting the following application(s) of 37 CFR § 1.704(c)(10) to reduce the patent term adjustment in the present application due to a paper filed after the Notice of Allowance has been mailed.

The USPTO is believed to be characterizing the formal drawings filed by the Applicant on September 2, 2010, after the June 2, 2010, mailing date of the Notice of Allowance, as an alleged amendment under § 1.312 or other paper delaying prosecution. The USPTO is believed to be characterizing the issue date of the patent as the date a response was mailed to the alleged paper delaying prosecution. The reduction of PTA asserted by the USPTO is the difference between September 2, 2010, and the issue date of the patent, *plus one day*, which is 120 days.

The Transaction History of the patent shows the following events occurring in this application on and after September 2, 2010:

01-04-2011 Recordation of Patent Grant Mailed  
12-15-2010 Issue Notification Mailed  
01-04-2011 Patent Issue Date Used in PTA Calculation  
12-08-2010 Dispatch to FDC  
12-02-2010 Mail-Petition Decision – Dismissed  
12-02-2010 Petition Decision - Dismissed  
09-03-2010 Application Is Considered Ready for Issue  
09-02-2010 Workflow - Drawings Finished  
09-02-2010 Issue Fee Payment Verified  
09-02-2010 Petition Entered  
09-02-2010 Issue Fee Payment Received

The only entry on this list on or near September 2, 2010, is "Workflow – Drawings Finished." That entry indicates that the drawings filed on that day were fully processed on the same day. No paper was ever mailed to the applicant in response to the paper submitted on September 2, 2010. The entry dated one day later indicates, "Application is considered ready for issue," indicating no further delay occurred after that date.

37 CFR § 1.704(c)(10) states how the reduction of patent term adjustment is calculated in this situation:

[T]he period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or



(ii) Four months....

The Applicant's position is that this determination is incorrect for several reasons.

1. The USPTO never mailed a response to the alleged paper delaying prosecution, as the rule clearly contemplates must occur for it to determine the length of the alleged delay. In other words, the rule is simply inapplicable to this situation. The mailing date of the recordation of the patent grant is not a response to the alleged paper delaying prosecution, as it does not state anything about the drawings being acceptable or unacceptable as resubmitted.
2. The USPTO made an internal notation, "Workflow - Drawings Finished," which, if mailed to the applicant would have been such a response, and clearly indicated that the last day of any alleged delay is September 2, 2010. The USPTO failure to mail a paper corresponding to its internal notation should not be the basis for continuing to count the remaining days up to issue of the patent as a further delay of prosecution. Using the USPTO calculation of the delay, the sole day of applicant delay was September 2, 2010, the day the allegedly delaying paper was filed and the day it was processed.
3. The alternative delay indicated in the rule, four months, is clearly inapplicable as well, as prosecution clearly was not delayed at all, particularly after the patent issued.
4. Finally, even if the rule is applied, the rule adds an extra day to the reduction of patent term adjustment, contrary to the statute. This is addressed under the next heading below.

The correct amount of reduction on this basis is submitted by the Applicant to be 0 days, which is the difference between the correct filing and mailing dates stated above, both September 2, 2010, but not exceeding four months. (The USPTO

rule calls for a delay of 1 day in this situation, but the extra day is challenged below as contrary to the statute.)

**Incorrect PTA Reduction Calculation for Paper After Allowance  
37 CFR § 1.704(c)(10)**

The applicant is contesting the following application(s) of 37 CFR § 1.704(c)(10) to reduce the patent term adjustment in the present application due to a paper filed after the Notice of Allowance has been mailed.

The USPTO is believed to be characterizing the formal drawings filed on September 2, 2010, as a paper delaying prosecution. The USPTO is believed to be characterizing the issue date of the patent on January 4, 2011, as a response to this paper. The reduction of PTA asserted by the USPTO is 120 days.

The Applicant's position is that this determination is incorrect for the reasons set forth above. The USPTO rule calls for a delay of 1 day in this situation, but the extra day is hereby challenged as contrary to the statute.

The USPTO has established a rule respecting the beginning of the delay resulting from the filing of certain papers after allowance. The rule is 37 CFR § 1.704(c)(10), which states:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances,

\* \* \*

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months....

In short, the USPTO's position on this point is effectively that the patent term adjustment is one day longer than the difference in days between the date the

post-allowance paper was filed and the date on which the USPTO responds. The rationale is that the day the paper is filed is Day 1 that the patent term adjustment has stopped accumulating.

The applicant respectfully submits that this position is inconsistent with the statute and other USPTO calculations based on events that reduce an accrued patent term adjustment.

The only part of the statute that calls for a determination of the number of days on which a proceeding is pending, as opposed to the difference between two dates, is 35 USC § 154(b)(1)(C), which states:

**35 USC § 154(b)(1)(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS.-** Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to-

- (i) a proceeding under section 135(a);
- (ii) the imposition of an order under section 181; or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

In contrast, the USPTO calculates all other patent term adjustments based on USPTO delays specified by the statute, for example under the four-month, 14-month, and three-year rules, by taking the difference between the beginning and end dates, without adding an extra day, thus counting the beginning date as day zero. The USPTO also calculates most reductions in patent term adjustment in the same manner, for example the reduction under the three-year rule for prosecution of an appeal. Thus, the patent term adjustments for successful appeals, secrecy orders, and interferences under 35 USC § 154(b)(1)(C) are the only exceptions to the usual rule of computation of statutory periods, which is that the day on which the period begins is day 0, and the period is computed by

taking the difference between the day on which the period ends and the day on which it begins.

Reverting again to the above simple example, if an appeal were filed on Monday and decided on Friday, the "time consumed by appellate review" subtracted from the delay calculated under the three-year rule is calculated by setting Monday equal to Day 0, Tuesday equal to Day 1, Wednesday equal to Day 2, Thursday equal to Day 3, and Friday equal 4, thus an elapsed time of FOUR, days, not FIVE as in the preceding example that called for calculation of the number of days a proceeding was pending. In other words, "time consumed by appellate review" subtracted from the delay calculated under the three-year rule calls for the almost universal system for calculation of deadlines in courts and the USPTO, where the starting event from which the deadline is calculated is Day 0, and the succeeding days are assigned consecutive numbers until the day the deadline is reached.

For these reasons, the USPTO policy for calculation of the effect of filing an post-allowance paper on accrual of the three-year guarantee is in error, and provides an applicant delay one day longer than it should be, thus a PTA one day shorter than it should be. Therefore, Applicant respectfully submits that the 1 day of delay called for by USPTO rules is contrary to the statute and is incorrect, and that the correct delay is 0 days, for at least the reasons set forth above.

### **Net Patent Term Adjustment**

The changes requested by the Applicant to the USPTO patent term adjustment determination in the patent PTA decision are as follows:

### **Positive Patent Term Adjustment**

- **Three Year Guarantee**  
**(35 USC § 154(b)(1)(B))**

|  |                                   |
|--|-----------------------------------|
|  | <b>Patent Term<br/>Adjustment</b> |
|--|-----------------------------------|

|                       | (days) |
|-----------------------|--------|
| USPTO Calculation     | 165    |
| Applicant Calculation | 166    |

### Reductions in Patent Term Adjustment

- Alleged Submission of a Delaying Paper After Allowance

37 CFR § 1.704(c)(10)

|                       | Patent Term<br>Adjustment<br>(days) |
|-----------------------|-------------------------------------|
| USPTO Calculation     | 120                                 |
| Applicant Calculation | 0                                   |

### Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 336 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: March 3, 2011

By: /Mirut P. Dalal/  
Mirut P. Dalal  
Reg. No. 44,052  
Attorney for Applicants

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500 West Madison Street  
Chicago, Illinois 60661  
Telephone: (312) 775-8000

PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/629,207

Docket No. 13935U502

| DATE      | EVENT                                     | USPTO CALCULATION |             | APPLICANT'S CALCULATION |             |
|-----------|---|-------------------|-------------|-------------------------|-------------|
|           |   | PTO Delay         | Appl. Delay | PTO Delay               | Appl. Delay |
| 1/4/2011  | Patent Grant date                         | 2                 |             | 2.00                    |             |
| 1/2/2011  | Four months after issue fee payment       |                   |             |                         |             |
| 12/9/2010 | Export to Final Data Capture              |                   |             |                         |             |
| 12/8/2010 | Dispatch to FDC                           |                   |             |                         |             |
| 12/2/2010 | Mail-Petition Decision - Dismissed        |                   |             |                         |             |
| 12/2/2010 | Petition Decision - Dismissed             |                   |             |                         |             |
| 9/3/2010  | Application Is Considered Ready for Issue |                   |             |                         |             |
| 9/2/2010  | Workflow - Drawings Finished              |                   | 120         |                         | 0           |
| 9/2/2010  | Issue Fee Payment Verified                |                   |             |                         |             |
| 9/2/2010  | Petition Entered                          |                   |             |                         |             |
| 9/2/2010  | Issue Fee Payment Received                |                   |             |                         |             |
| 7/17/2010 | Finished Initial Data Capture             |                   |             |                         |             |
| 6/7/2010  | Export to Initial Data Capture            |                   |             |                         |             |
| 6/2/2010  | Mail Notice of Allowance                  |                   |             |                         |             |
| 6/1/2010  | Issue Revision Completed                  |                   |             |                         |             |
| 6/1/2010  | Document Verification                     |                   |             |                         |             |



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|------------|---|--|--|----|
| 3/4/2009   | Mail Non-Final Rejection                            |  |  |    |
| 3/2/2009   | Non-Final Rejection                                 |  |  |    |
| 2/4/2009   | Date Forwarded to Examiner                          |  |  |    |
| 2/4/2009   | Date Forwarded to Examiner                          |  |  |    |
| 2/4/2009   | Disposal for a RCE / CPA / R129                     |  |  |    |
|            | Amendment   |  |  |    |
| 1/21/2009  | Submitted/Entered with Filing of CPA/RCE            |  |  |    |
| 1/21/2009  | Request for Continued Examination (RCE)             |  |  | 4  |
| 1/21/2009  | Workflow - Request for RCE - Begin                  |  |  |    |
| 1/17/2009  | Three months after Office action                    |  |  |    |
| 10/17/2008 | Mail Final Rejection (PTOL - 326)                   |  |  |    |
| 10/14/2008 | Final Rejection                                     |  |  |    |
| 8/7/2008   | Date Forwarded to Examiner                          |  |  |    |
| 6/19/2008  | Response after Non-Final Action                     |  |  | 83 |
| 6/19/2008  | Request for Extension of Time - Granted             |  |  |    |
| 5/19/2008  | Mail Notice of Informal or Non-Responsive Amendment |  |  |    |
| 5/16/2008  | Date Forwarded to Examiner                          |  |  |    |

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| 1/29/2007  | Disposal for a RCE / CPA / R129 Amendment |     |  |    |
| 1/11/2007  | Submitted/Entered with Filing of CPA/RCE  |     |  |    |
| 1/11/2007  | Request for Continued Examination (RCE)   |     |  | 92 |
| 1/11/2007  | Request for Extension of Time - Granted   |     |  |    |
| 1/11/2007  | Workflow - Request for RCE - Begin        |     |  |    |
| 1/10/2007  | PTA 36 Months                             | 165 |  |    |
| 10/11/2006 | Three months after Office action          |     |  |    |
| 7/29/2006  | Three year date                           |     |  |    |
| 7/11/2006  | Mail Final Rejection (PTOL - 326)         |     |  |    |
| 7/7/2006   | Final Rejection                           |     |  |    |
| 5/8/2006   | Date Forwarded to Examiner                |     |  |    |
| 4/28/2006  | Response after Non-Final Action           |     |  | 40 |
| 4/28/2006  | Request for Extension of Time - Granted   |     |  |    |
| 3/19/2006  | Three months after Office action          |     |  |    |
| 12/19/2005 | Mail Non-Final Rejection                  | 446 |  |    |
| 12/12/2005 | Non-Final Rejection                       |     |  |    |
| 10/4/2005  | Case Docketed to Examiner in GAU          |     |  |    |
| 8/11/2005  | Miscellaneous Incoming Letter             |     |  |    |
| 9/29/2004  | 14 month date                             |     |  |    |

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| 7/8/2004   | IFW TSS Processing by Tech Center Complete  |  |  |  |  |
| 7/8/2004   | Case Docketed to Examiner In GAU  |  |  |  |  |
| 5/4/2004   | Transfer Inquiry to GAU   |  |  |  |  |
| 2/12/2004  | Information Disclosure Statement considered   |  |  |  |  |
| 2/12/2004  | Information Disclosure Statement (IDS) Filed  |  |  |  |  |
| 2/12/2004  | Information Disclosure Statement (IDS) Filed  |  |  |  |  |
| 1/29/2004  | Application Return from OIPE  |  |  |  |  |
| 1/29/2004  | Application Return TO OIPE  |  |  |  |  |
| 1/29/2004  | Application Is Now Complete   |  |  |  |  |
| 1/28/2004  | Application Dispatched from OIPE  |  |  |  |  |
| 12/19/2003 | Additional Application Filing Fees  |  |  |  |  |
| 12/19/2003 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant |  |  |  |  |
| 10/27/2003 | Notice Mailed--Application Incomplete--Filing Date Assigned   |  |  |  |  |
| 10/14/2003 | CASE CLASSIFIED BY OIPE   |  |  |  |  |
| 10/14/2003 | Cleared by OIPE CSR   |  |  |  |  |
| 9/6/2003   | IFW Scan & PACR Auto Security Review  |  |  |  |  |

[illegible]

|            |   |                          |
|------------|---|--------------------------|
| 10/629,207 | SYSTEM AND METHOD FOR OPTIMIZING POWER CONSUMPTION IN A<br>MOBILE ENVIRONMENT | 02-15-<br>2011::10:12:50 |
|------------|---|--------------------------|

**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/629,207

|                        |            |  |     |
|------------------------|------------|--|-----|
| Filing or 371(c) Date: | 07-29-2003 | Overlapping Days Between {A and B} or {A and C}: | 0   |
| Issue Date of Patent:  | 01-04-2011 | Non-Overlapping USPTO Delays:                    | 613 |
| A Delays:              | 448        | PTO Manual Adjustments:                          | 0   |
| B Delays:              | 165        | Applicant Delays:                                | 398 |
| C Delays:              | 0          | Total PTA Adjustments:                           | 215 |

**Patent Term Adjustment History Explanation Of Calculations**

| Number | Date       | Contents Description                            | PTO<br>(Days) | APPL<br>(Days) | Start |
|--------|------------|---|---------------|----------------|-------|
| 104.5  | 01-10-2007 | PTA 36 Months                                   | 165           |                | 0.5   |
| 104    | 01-04-2011 | Patent Issue Date Used In PTA Calculation       | 2             |                | 97    |
| 103    | 12-09-2010 | Export to Final Data Capture                    |               |                | 0     |
| 102    | 12-08-2010 | Dispatch to FDC                                 |               |                | 0     |
| 101    | 12-02-2010 | Mail-Petition Decision - Dismissed              |               |                | 0     |
| 100    | 12-02-2010 | Petition Decision - Dismissed                   |               |                | 0     |
| 99     | 09-03-2010 | Application Is Considered Ready for Issue       |               |                | 0     |
| 98     | 09-02-2010 | Workflow - Drawings Finished                    |               | 120            | 0     |
| 97     | 09-02-2010 | Issue Fee Payment Verified                      |               |                | 0     |
| 96     | 09-02-2010 | Petition Entered                                |               |                | 0     |
| 95     | 09-02-2010 | Issue Fee Payment Received                      |               |                | 0     |
| 94     | 07-17-2010 | Finished Initial Data Capture                   |               |                | 0     |
| 93     | 06-07-2010 | Export to Initial Data Capture                  |               |                | 0     |
| 91     | 06-02-2010 | Mail Notice of Allowance                        |               |                | 76    |
| 90     | 06-01-2010 | Issue Revision Completed                        |               |                | 0     |
| 89     | 06-01-2010 | Document Verification                           |               |                | 0     |
| 88     | 06-01-2010 | Notice of Allowance Data Verification Completed |               |                | 0     |
| 87     | 05-20-2010 | Examiner's Amendment Communication              |               |                | 0     |

|    |            |   |    |    |
|----|------------|---|----|----|
| 86 | 05-13-2010 | Examiner Interview Summary Record (PTOL - 413)        |    | 0  |
| 85 | 05-20-2010 | Notice of Allowability                                |    | 0  |
| 84 | 05-14-2010 | Date Forwarded to Examiner                            |    | 0  |
| 83 | 05-14-2010 | Mail Appeals conf. Rej. withdrawn                     |    | 0  |
| 82 | 05-14-2010 | Date Forwarded to Examiner                            |    | 0  |
| 81 | 05-10-2010 | Amendment/Argument after Notice of Appeal             |    | 0  |
| 78 | 05-13-2010 | Pre-Appeals Conference Decision - Rejection Withdrawn |    | 0  |
| 77 | 03-02-2010 | Request for Pre-Appeal Conference Filed               |    | 0  |
| 76 | 03-02-2010 | Notice of Appeal Filed                                | 59 | 74 |
| 75 | 03-02-2010 | Request for Extension of Time - Granted               |    | 0  |
| 74 | 10-02-2009 | Mail Final Rejection (PTOL - 326)                     |    | 0  |
| 73 | 09-30-2009 | Final Rejection                                       |    | 0  |
| 72 | 07-16-2009 | Date Forwarded to Examiner                            |    | 0  |
| 71 | 06-04-2009 | Response after Non-Final Action                       |    | 0  |
| 70 | 03-04-2009 | Mail Non-Final Rejection                              |    | 0  |
| 69 | 03-02-2009 | Non-Final Rejection                                   |    | 0  |
| 68 | 02-04-2009 | Date Forwarded to Examiner                            |    | 0  |
| 67 | 01-21-2009 | Amendment Submitted/Entered with Filing of CPA/RCE    |    | 0  |
| 66 | 02-04-2009 | Date Forwarded to Examiner                            |    | 0  |
| 65 | 01-21-2009 | Request for Continued Examination (RCE)               | 4  | 62 |
| 64 | 02-04-2009 | Disposal for a RCE / CPA / R129                       |    | 0  |
| 63 | 01-21-2009 | Workflow - Request for RCE - Begin                    |    | 0  |
| 62 | 10-17-2008 | Mail Final Rejection (PTOL - 326)                     |    | 0  |
| 61 | 10-14-2008 | Final Rejection                                       |    | 0  |
| 60 | 08-07-2008 | Date Forwarded to Examiner                            |    | 0  |

|      |            |  |    |    |
|------|------------|--|----|----|
| 59   | 06-19-2008 | Response after Non-Final Action                            | 83 | 55 |
| 58   | 06-19-2008 | Request for Extension of Time - Granted                    |    | 0  |
| 57   | 05-19-2008 | Mail Notice of Informal or Non-Responsive Amendment        |    | 0  |
| 56   | 05-16-2008 | Date Forwarded to Examiner                                 |    | 0  |
| 55.1 | 03-28-2008 | Informal or Non-Responsive Amendment after Examiner Action |    | 0  |
| 55   | 03-28-2008 | Response after Non-Final Action                            |    | 0  |
| 54   | 12-28-2007 | Mail Non-Final Rejection                                   |    | 0  |
| 53   | 12-26-2007 | Non-Final Rejection  |    | 0  |
| 52   | 12-05-2007 | Date Forwarded to Examiner                                 |    | 0  |
| 51   | 10-31-2007 | Amendment Submitted/Entered with Filing of CPA/RCE         |    | 0  |
| 50   | 12-05-2007 | Date Forwarded to Examiner                                 |    | 0  |
| 49   | 10-31-2007 | Request for Continued Examination (RCE)                    |    | 0  |
| 48   | 12-05-2007 | Disposal for a RCE / CPA / R129                            |    | 0  |
| 47   | 10-31-2007 | Workflow - Request for RCE - Begin                         |    | 0  |
| 46   | 09-20-2007 | Mail Final Rejection (PTOL - 326)                          |    | 0  |
| 45   | 09-17-2007 | Final Rejection  |    | 0  |
| 44   | 07-12-2007 | Date Forwarded to Examiner                                 |    | 0  |
| 43   | 07-05-2007 | Response after Non-Final Action                            |    | 0  |
| 42   | 04-05-2007 | Mail Non-Final Rejection                                   |    | 0  |
| 41   | 03-31-2007 | Non-Final Rejection  |    | 0  |
| 40   | 01-29-2007 | Date Forwarded to Examiner                                 |    | 0  |
| 39   | 01-11-2007 | Amendment Submitted/Entered with Filing of CPA/RCE         |    | 0  |
| 38   | 01-29-2007 | Date Forwarded to Examiner                                 |    | 0  |
| 37   | 01-11-2007 | Request for Continued Examination (RCE)                    | 92 | 26 |
| 36   | 01-29-     | Disposal for a RCE / CPA / R129                            |    | 0  |

|      |            |  |     |     |
|------|------------|--|-----|-----|
|      | 2007       |  |     |     |
| 35   | 01-11-2007 | Request for Extension of Time - Granted  |     | 0   |
| 29   | 01-11-2007 | Workflow - Request for RCE - Begin   |     | 0   |
| 26   | 07-11-2006 | Mail Final Rejection (PTOL - 326)  |     | 0   |
| 25   | 07-07-2006 | Final Rejection  |     | 0   |
| 24   | 05-08-2006 | Date Forwarded to Examiner   |     | 0   |
| 23   | 04-28-2006 | Response after Non-Final Action  | 40  | 21  |
| 22   | 04-28-2006 | Request for Extension of Time - Granted  |     | 0   |
| 21   | 12-19-2005 | Mail Non-Final Rejection   | 446 | 0.5 |
| 20   | 12-12-2005 | Non-Final Rejection  |     | 0   |
| 19   | 02-12-2004 | Information Disclosure Statement considered  |     | 0   |
| 18   | 10-04-2005 | Case Docketed to Examiner in GAU   |     | 0   |
| 17   | 08-11-2005 | Miscellaneous Incoming Letter  |     | 0   |
| 16   | 07-08-2004 | IFW TSS Processing by Tech Center Complete   |     | 0   |
| 15   | 07-08-2004 | Case Docketed to Examiner in GAU   |     | 0   |
| 14.7 | 02-12-2004 | Information Disclosure Statement (IDS) Filed   |     | 0   |
| 14   | 02-12-2004 | Information Disclosure Statement (IDS) Filed   |     | 0   |
| 13   | 05-04-2004 | Transfer Inquiry to GAU  |     | 0   |
| 12   | 01-29-2004 | Application Return from OIPE   |     | 0   |
| 11   | 01-29-2004 | Application Return TO OIPE   |     | 0   |
| 10   | 01-28-2004 | Application Dispatched from OIPE   |     | 0   |
| 9    | 01-29-2004 | Application Is Now Complete  |     | 0   |
| 8    | 12-19-2003 | Additional Application Filing Fees   |     | 0   |
| 7    | 12-19-2003 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic |     | 0   |
| 6    | 07-29-2003 | Claim Preliminary Amendment  |     | 0   |



|     |            |   |   |
|-----|------------|---|---|
| 5   | 10-27-2003 | Notice Mailed--Application Incomplete--Filing Date Assigned | 0 |
| 4   | 10-14-2003 | CASE CLASSIFIED BY OIPE                                     | 0 |
| 3   | 10-14-2003 | Cleared by OIPE CSR   | 0 |
| 2   | 09-06-2003 | IFW Scan & PACR Auto Security Review                        | 0 |
| 1   | 07-29-2003 | Initial Exam Team nn  | 0 |
| 0.5 | 07-29-2003 | Filing date   | 0 |

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